

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TECUMSEH BROWN-EAGLE,)	
)	
Plaintiff)	
v.)	Civil No. 12-314 Erie
)	
COUNTY OF ERIE, PENNSYLVANIA,)	
)	
Defendant.)	

Order

Fact Discovery in this case closed on November 19, 2014, and no further activity had occurred. Therefore, on February 3, 2015, we ordered the parties to show cause why this action should not be dismissed.

Plaintiff responded by stating that he was ready to go to trial and he also filed his pretrial statement. Defendant indicated in its Response that this action was ripe for dismissal as a matter of law. Thereafter, on February 25, 2015, Defendant filed its Motion for Summary Judgment, Appendix, Brief in Support, and Concise Statement of Material Facts.

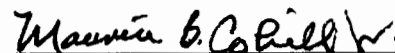
Plaintiff objects to the Court considering the motion for summary judgment due to Defendant's delay in filing the motion, the fact that Plaintiff is ready for trial, and that it would be prejudicial to Plaintiff since Defendant had the benefit of viewing Plaintiff's pretrial statement.

As we have stated several times, the parties were to contact the Court within fourteen days of the close of discovery, or no later than December 3, 2014, in order to schedule a post-discovery conference. ECF No. 31 ¶ 8. The Case Management Order further stated that at the post-discovery the Court would address, among other things, dates for filing dispositive motions,

dates for filing pretrial statements, and possible trial dates. Id. Rather than obey this Order, and the reminders the Court issued to counsel of counsel's responsibility, neither party requested a conference. Plaintiff's counsel decided, on his own, to file his pretrial statement. Defense counsel decided, on his own, to file a dispositive motion.

We note also that on February 13, 2015, Plaintiff's counsel indicated that he "has had no communication with defense counsel for the past several months." P. Resp. ¶3, ECF No. 41. Such lack of communication between counsel, fortunately, is not typical of the practice of the bar in the Western District of Pennsylvania. Both parties here have been dilatory in ensuring that this action proceeds in a timely manner. Had the parties requested a post-discovery conference as ordered, we would have permitted the filing of dispositive motions. Accordingly, we will consider Defendant's motion, and Order Plaintiff to respond.

AND NOW, to-wit, this 26th day of February _____, 2015, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff's Response to Defendant's Motion for Summary Judgment is due by March 25, 2015. Defendant's Reply, if any, is due by April 8, 2015



Maurice B. Cohill, Jr.
Senior United States District Judge